

1 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
2 VATANA LAY, ESQ.
Nevada Bar No. 12993
3 AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
4 Telephone: (702) 634-5000
Facsimile: (702) 380-8572
5 Email: ariel.stern@akerman.com
Email: vatana.lay@akerman.com
6

7 *Attorneys for Plaintiff*
8 *Bank of America, N.A.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 BANK OF AMERICA, N.A.;

12 Plaintiff,

13 vs.

14 ANTELOPE HOMEOWNERS ASSOCIATION;
DANNY AND TATIANNA LLC; THE JAMES
LUTZ TRUST; ABSOLUTE COLLECTIONS
SERVICES, LLC;

15 Defendants.

Case No.: 2:16 cv 02280-GMN-NJK

**STIPULATION AND ORDER TO EXTEND
TIME FOR BANK OF AMERICA, N.A.
TO RESPOND TO ANTELOPE
HOMEOWNERS' ASSOCIATION'S
MOTION TO DISMISS AND ABSOLUTE
COLLECTION SERVICES, LLC'S
JOINDER**

[SECOND REQUEST]

16 Plaintiff Bank of America, N.A. (**BANA**) and defendants Antelope Homeowners Association
17 (**HOA**) and Absolute Collection Services, LLC (**ACS**) stipulate to extend the time for BANA to
18 respond to HOA's motion to dismiss and ACS' joinder of the same to September 28, 2018. (ECF Nos.
19 41 and 44)

20 1. BANA filed its complaint on September 28, 2016 asserting a quiet title/declaratory
21 judgment, breach of NRS 116.1113, and wrongful foreclosure against HOA and ACS. (ECF No. 1)

22 2. HOA filed a motion to dismiss BANA's complaint on October 28, 2016. (ECF No. 15).
23 BANA filed a response to HOA's motion to dismiss on November 14, 2016. (ECF No. 18)

24 3. The court entered an order staying this case pending exhaustion of all appeals of
25 *Bourne Valley Court Trust v. Wells Fargo Bank*, 832 F.3d 1154 (9th Cir. 2016) on March 9, 2017.
26
27
28

1 The order denied all pending motions, including HOA's motion to dismiss, without prejudice to refile
2 the motions after the stay is lifted. (ECF No. 26)

3 4. The court entered an order lifting the stay on July 20, 2018. (ECF No. 35)

4 5. The court entered a scheduling order setting the close of discovery for January 16, 2019
5 on August 8, 2018. (ECF No. 37)

6 6. HOA filed a motion to dismiss BANA's complaint on August 10, 2018. (ECF No. 41)
7 ACS filed a joinder to HOA's motion to dismiss on August 14, 2018. (ECF No. 44) BANA's response
8 to HOA's motion to dismiss and ACS's joinder is currently due by stipulation on September 7, 2018.
9 (ECF No. 48)

10 7. Due to the number of cases which have become unstayed as a result of the resolution of
11 the certified question, BANA wishes to have additional time to respond to HOA's motion to dismiss
12 and ACS's joinder.

13 8. The parties stipulate to extending BANA's deadline to respond to HOA's motion to
14 dismiss and ACS's joinder to September 28, 2018.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 9. The parties do not file this stipulation with the intent to delay, but to ensure all parties
2 have adequate time to present their full cases in dispositive motion briefing.

3 Dated this 6th day of September, 2018

Dated this 6th day of September, 2018

4 **AKERMAN LLP**

**ABSOLUTE COLLECTION SERVICES,
LLC**

6 /s/ Vatana Lay

/s/ Shane D. Cox

7 ARIEL E. STERN, ESQ.

SHANE D. COX, ESQ.

8 Nevada Bar No. 8276

Nevada Bar No. 13852

9 VATANA LAY, ESQ.

8440 W. Lake Mead Blvd., Suite 210

10 Nevada Bar No. 12993

Las Vegas, Nevada 89128

11 1635 Village Center Circle, Suite 200

Attorney for Defendant Absolute

12 Las Vegas, Nevada 89134

Collection Services, LLC

13 *Attorneys for Plaintiff*

14 *Bank of America, N. A.*

15 Dated this 6th day of September, 2018

16 **LIPSON NEILSON P.C.**

17 /s/ Karen Kao

18 J. WILLIAM EBERT, ESQ.

19 Nevada Bar No. 2697

20 KAREN KAO, ESQ.

21 Nevada Bar No. 14386

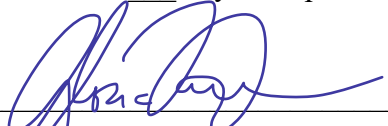
22 9900 Covington Cross Dr., Suite 120

23 Las Vegas, NV 89144

24 *Attorneys for Antelope Homeowners Association*

IT IS SO ORDERED.

DATED this 18 day of September, 2018.



Gloria M. Navarro, Chief Judge

United States District Court